03752.400200 (formerly 02618.4006X0) PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
	)	Examiner: E. Cole
Arthur J. ROTH et al.	:	
	)	Group Art Unit: 1771
Int'l Application No.: PCT/US03/12281	:	
Int'l Filing Date: April 21, 2003	)	
	:	
U.S. Application No.: 10/511,163	)	Confirmation No.: 9165
	:	
Filing Date: August 4, 2005	)	
	:	
For: COMPOSITE STRUCTURAL MATERIAL AND METHOD OF MAKING SAME	)	July 23, 2007 (Monday)
	:	
	)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action dated June 21, 2007.

The Office Action sets forth a restriction requirement between two groups of claims. Specifically, the Office Action finds Group I, shown in claims 68-109, as drawn to a method of making a composite material; and Group II, shown in claims 110-119, as drawn to a composite material.

In support of the restriction requirement, the Office Action alleges that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1, because, under PCT Rule 13.2, they lack the same or corresponding special technical features. The Office Action asserts the lack of corresponding special technical features is evidenced by WO 00/50233, which allegedly shows that the special technical feature of parallel long fibers that are pretensioned and bonded in a composite material is known in the art.

Applicants respectfully submit, however, that the Office Action does not set forth a prima facie case that the Groups do not relate to a single general inventive concept under PCT Rule 13.1. Assuming, *arguendo*, the Office Action is correct in its assertion as to the teachings of WO 00/50233, Applicants still do not see how this demonstrates that the claims of the present application lack corresponding special technical features. Applicants note, for example, that none of the claims recite long fibers that necessarily are pretensioned. Therefore, Applicants submit WO 00/50233 fails to establish that the grouped claims do not relate to a single general invention concept, and thus a proper grounds for restriction is not set forth in the Office Action.

Applicants also respectfully submit that the inventions of Groups I and II are closely related in the field of composite material, that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants still further respectfully submit that any nominal burden placed upon the Examiner necessary to determine the art relevant to Applicants' overall invention is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of another application, consisting of the same disclosure, and being subjected to substantially the same search, perhaps by a different Examiner on a different occasion. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Nevertheless, in order to comply with the requirements of 37 CFR § 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, namely claims 68-109.

Applicants request favorable consideration and an early passage to issue.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

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